

House File 220 - Introduced

HOUSE FILE _____
BY WINDSCHITL, DOLECHECK, MAY,
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BAUDLER, HELLAND, SODERBERG,
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Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to children subject to a child in need of
2 assistance removal order relating to the use or presence of
3 methamphetamine.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 1779YH 83
6 jp/nh/5

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1 1 Section 1. NEW SECTION. 232.106A METHAMPHETAMINE
1 2 RESIDUE.
1 3 1. For the purposes of this section, unless the context
1 4 otherwise requires:
1 5 a. "Child's home" means the place of residence that a
1 6 child who has been the subject of an order under this division
1 7 transferring custody of the child for placement will return to
1 8 at the time the order is terminated, modified, or vacated.
1 9 b. "Methamphetamine" means methamphetamine, its salts,
1 10 isomers, or salts of its isomers and includes precursors
1 11 utilized in its manufacture.
1 12 2. The department shall adopt rules for determining when a
1 13 place of residence has methamphetamine residue present that
1 14 would pose a significant risk to the health or safety of a
1 15 child. The rules shall also provide standards for mitigating
1 16 such a risk.
1 17 3. If an order has been entered under this division
1 18 transferring the custody of a child for placement outside the
1 19 child's family residence following a determination that the
1 20 child is a child in need of assistance based wholly or in part
1 21 on any of the following circumstances, in order for the child
1 22 to be returned to the child's home, the child's home shall be
1 23 tested to determine if methamphetamine residue is present:
1 24 a. Methamphetamine was determined to be present in the
1 25 child's body.
1 26 b. There was methamphetamine use by the child's parent,
1 27 guardian, or custodian.
1 28 c. Methamphetamine was present in the home of the child's
1 29 parent, guardian, or custodian.
1 30 d. The record provides a compelling reason to believe
1 31 there is or was methamphetamine use by an immediate family
1 32 member of the child.
1 33 4. If it is determined through testing in accordance with
1 34 this section that methamphetamine residue is present in the
1 35 child's home that would pose a significant risk to the health
2 1 or safety of the child, the order for placement of the child
2 2 outside the child's family residence shall not be terminated,
2 3 modified, or vacated for the child to return to that residence
2 4 until the risk has been mitigated.

EXPLANATION

2 6 This bill relates to children subject to a child in need of
2 7 assistance removal order relating to the use or presence of
2 8 methamphetamine.
2 9 The bill defines the term "child's home" as the place of
2 10 residence that a child who has been the subject of a
2 11 dispositional order following a child in need of assistance
2 12 determination transferring custody of the child for placement
2 13 will return to at the time the order is terminated, modified,
2 14 or vacated. "Methamphetamine" is defined as methamphetamine,
2 15 its salts, isomers, or salts of its isomers and includes

2 16 precursors utilized in its manufacture.
2 17 The department of human services is required to adopt rules
2 18 for determining when a place of residence has methamphetamine
2 19 residue present that would pose a significant risk to the
2 20 health or safety of a child. The rules are also required to
2 21 provide standards for mitigating such a risk.
2 22 The bill requires testing of a child's home to determine if
2 23 methamphetamine residue is present. The testing requirement
2 24 applies when a child has been determined to be a child in need
2 25 of assistance based wholly or in part on various specified
2 26 factors involving methamphetamine, and an order has been
2 27 entered transferring the custody of the child for placement
2 28 outside the child's home.
2 29 If it is determined that methamphetamine residue is present
2 30 in the child's home that would pose a significant risk to the
2 31 health or safety of the child, the order for placement of the
2 32 child outside the child's home is prohibited from being
2 33 terminated, modified, or vacated for the child to return to
2 34 that residence until the risk has been mitigated.
2 35 LSB 1779YH 83
3 1 jp/nh/5